

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. Claims 1-4 and 6-12 are pending. Claim 1 has been amended. No new matter has been added. Applicants provide the following remarks regarding the Examiner's earlier rejection of the claims in an attempt to hasten prosecution and move the case toward allowance.

Specifically, the cited art does not teach or suggest "A computer-implemented substitute fulfillment system that identifies and secures substitute workers for a plurality of different organizations comprising: ... the central server automatically generates a list of one or more substitute workers for each absent worker in response to the information representing absent workers, the central server automatically communicates information representing positions to be filled to substitute workers identified by the central server via a telephone communication link or an internet communication link, the central server contacting the identified substitute workers in each list until one of the substitute workers in each list agrees to cover for the absent worker or until each list of substitute workers is exhausted" as recited in amended claim 1. (Emphasis added). As a result, the computer-implemented substitute fulfillment system as recited in claim 1 of the present invention identifies and contacts substitute workers to cover for absent workers.

Regarding U.S. Patent No. 6,049,776 to Donnelly et al. ("Donnelly"), which is cited for disclosing the central server, Donnelly does not teach or suggest the central server as recited in claim 1 of the present invention. Donnelly discloses a human resource management system for staffing projects. Specifically, Donnelly is a Resource Management System (RMS) for identifying candidate human resources to be assigned to a project where the project requires predetermined skills and predetermined time availability. The RMS system searches workers' skills and calendars to determine candidate availability to work on a project. Nowhere does Donnelly teach or suggest the system contacting the substitute workers as recited in claim 1 of the present invention.

Moreover, the Examiner fails to provide proper motivation, teaching or suggestion to modify or combine the references. Recognizing after the fact that such a modification would provide an improvement or advantage, without suggestion thereof by the prior art in an indication of improper application of hindsight considerations which is not proper criteria for resolving obviousness.

As a result, the cited art, neither singularly nor in combination, teach or suggest the invention as recited in claim 1 of the present invention.

For at least these reasons, claim 1, as well as dependent claims 2-4 and 6-12 are patentable over the cited art.

Regarding claim 2, applicants disagree with the Examiner's assertion that "since the system of Donnelly identifies workers with skill levels, it would have been obvious to one of ordinary skill in the art to include substitute selection information in order to match workers possessing identical skill levels to replace absentees." As mentioned above, Donnelly is concerned with assigning workers to a project based on the workers skills and availability. Thus, Donnelly is not finding a substitute worker to cover for an absent worker. As a result, there is no suggestion or motivation for one of ordinary skill in the to modify Donnelly to include "substitute selection information" as recited in claim 2 of the present invention.

Regarding claim 3, applicants disagree with the Examiner's assertion that "it would have been obvious to include the claimed features into the system of Donnelly ..." where the claimed feature is a worker record including "entitlement information and historical information of absences and substitute fulfillment events" as recited in claim 3 of the present invention. Donnelly does not teach or suggest the claimed features. Although employers may record these factors for internal reasons, Donnelly does not teach or suggest using such factors in assigning workers to a project. As a result, there is no suggestion or motivation for modifying Donnelly to include such features in the worker record as recited in claim 3 of the present invention

Regarding claim 4, applicants disagree with the Examiner's assertion that "it would have been obvious to one of ordinary skill in the art to include data for [a] substitute worker in order to find workers possessing identical skill levels to replace absentees" since the resume file in Donnelly contains employee data. As mentioned above, Donnelly is concerned with assigning workers to a project based on the workers skills and availability. Thus, Donnelly is not finding a substitute worker to cover for an absent worker. As a result, there is no suggestion or motivation to modify Donnelly to include "substitute worker identification, contact, qualification and availability information" as recited in claim 4 of the present invention.

Regarding claim 6, applicants disagree with the Examiner's assertion that the "AAPA shows that typical existing system equipment for substitute fulfillment includes multiple phone lines ... therefore, it would have been obvious to one of ordinary skill in the art to include to use multiple phone line in the system of Donnelly in order to make the system

accessible to a plurality of users.” Applicants believe that the multiple phone line in the AAPA may not be accessed simultaneously by a plurality of organizations and workers since the substitute teaching systems described in the background is not automated. Thus, the AAPA does not teach or suggest the use of multiple phone lines as recited in claim 6 of the present invention and hence no suggestion or motivation to modify Donnelly to include such a feature.

Regarding claim 7, applicants disagree with the Examiner’s assertion that it would have been obvious to one of ordinary skill in the art to include a web site interface in order to allow users to communicate over a communication network because there is no teaching or suggestion in Donnelly for using a web site interface.

Regarding claim 8, applicants disagree with the Examiner’s assertion that “it would have been obvious to one of ordinary skill in the art to have the central server communicate by facsimile to organizations in the system of Donnelly in order to benefit from readily available communications means.” The Examiner cites 11, lines 18-24, 42-48 as showing that each employee has a fax number. Donnelly discloses a fax number being stored in a record associated with an employee. Donnelly does teach or suggest using the fax number as a means of communication as recited in claim 8 of the present invention. Thus, there is no suggestion or motivation to modify Donnelly to include such a feature.

Regarding claim 9, applicants disagree with the Examiner assertion that “claim 9 merely reads on the fact that the resource management system and users communicate over the telephone.” Claim 9 claims the use of a substitute fulfillment system “further comprising interactive voice response technology” which is not taught or suggested by the cited art.

Regarding claim 10, the Examiner takes official notice “that is well known in the art to use an automated telephone attendant” and asserts that “it would have been obvious to one of ordinary skill in the art to include an automated telephone attendant in the system of Donnelly in order to assist callers at any time.” Applicants traverse the Examiner taken official notice because applicants do not believe it would be obvious to one of ordinary skill in the art to include an automated telephone attendant in the system of Donnelly since Donnelly does not teach or suggest the use of an automated telephone attendant as recited in claim 10 of the present invention. Therefore, applicants request that the Examiner provide a reference that teaches or suggests using an automated telephone attendant in a substitute fulfillment system.

Regarding claim 11, applicants disagree with the Examiner that “since the system of Donnelly manages human resources, it would have been obvious to one of ordinary skill in

the art to include master records including identification, billing and contact for tracking cost.” Again, as stated above, Donnelly discloses a human resource management system for staffing projects and does not teach or suggest a substitute fulfillment system having a database including identification, billing and contact for tracking cost as recited in claim 11 of the present invention. Thus, there is no suggestion or motivation to modify Donnelly to include such information.

Regarding claim 12, the Examiner takes official notice “that is well known in the art to download data and applications on the Internet and asserts that “it would have been obvious to one of ordinary skill in the art to include a link to a downloadable substitute fulfillment data entry and electronic communications computer applications as claimed in the system of Donnelly in order to allow users to download forms and access the human resources management system through the Internet.” Applicants traverse the Examiner taken official notice because applicants do not believe it would be obvious to one of ordinary skill in the art to include the link as recited in claim 12 of the present invention in Donnelly since Donnelly does not teach or suggest the use of such a link. Therefore, applicants request that the Examiner provide a reference that teaches or suggests using such a link in a substitute fulfillment system.

In view of the above, it is believe this application is in condition for allowance, and such a Notice is respectfully solicited.

If there are outstanding issues which might be resolved by an interview or an Examiner’s amendment , Examiner is invited to call Applicant’s representative at the telephone number shown below.

Respectfully submitted,

Dated: 16 May 2001

Thomas A. Corrado

KILPATRICK STOCKTON LLP
11130 Sunrise Valley Drive, Suite 300
Reston, Virginia 20191-4329
Phone 703-648-8500
Fax 703-648-8501

Thomas A. Corrado
Attorney for Applicant
Registration No. 42,439